

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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JOSE MUYET,
PETITIONER

V.

UNITED STATES OF AMERICA,
RESPONDENT

Because Mr. Muyet is serving life sentences for multiple murders, his proposed motion under the First Step Act will be futile. Accordingly, the motion for appointment of counsel is denied.

SO ORDERED

3/10/20

Loretta A. Preska

MOTION FOR APPOINTMENT OF COUNSEL
LORETTA A. PRESKA
UNITED STATES DISTRICT JUDGE

HERE COMES the Petitioner, Jose Muyet, who respectfully request that this Honorable Court appoint counsel for the Petitioner in order to file a motion for resentencing under Section 404 of the First Step Act.

Petitioner believes he is eligible because he was convicted of violating 21 U.S.C. §§841(a)(1) and 841(b)(1)(A), the statutory penalties which were reduced by 2 and 3 of the Fair Sentencing Act.

As this Court is aware, a multitude of district courts have recognized it is the statute of conviction rather than a defendant's actual conduct, that determines a defendant's eligibility under the First Step Act.

Therefore, the Petitioner respectfully prays that this Court grant his request and appoint counsel.

The Clerk of the Court shall mail a copy of this order to

Loretta A. Preska

Respectfully Submitted,

Sarah Kathleen-Eddy
United States Attorney
1 Saint Andrew's Plaza
New York, NY 10007

LORETTA A. PRESKA
UNITED STATES DISTRICT JUDGE

Jose Muyet
Jose Muyet

February 25, 2020

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DATE FILED: 2-10-2020

Jesse M. Velez 38136-054

Federal Correctional Institution Schuylkill

P.O. Box 759

Minersville, PA 17954-0759

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Federal Correctional Institution

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Clerk Of The Court

U.S. Courthouse

500 Pearl St

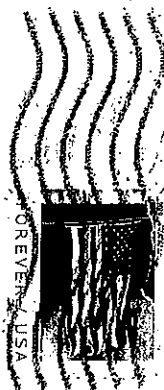
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